

REMARKS/ARGUMENTS**The Office Action**

In the above-mentioned non-final Office Action, claims 19-26, 28-29, 65, 69, 71-73, 77, 79-81, 92, 95-97, 102-103, 105-106 and 110 were rejected as being anticipated by U.S. Patent 6,149,518 (Frame); claims 44-45, 47-48, 50, 52, 54-55, 57-62, 67, 75, 84-85, 87-89, 98-101, 104 and 107-109 were rejected as being anticipated by U.S. Patent 6,479,118 (Atkinson); claims 49, 56, 63-64, 68, 86 and 91 were rejected as being unpatentable over Atkinson; claims 27, 67, 70, 74, 78 and 92 were rejected as being unpatentable over Farrow; and claim 65 was rejected as failing to comply with the written description requirement.

Discussion

Perforation 14a of FIG. 1 in Farrow is not for easy removal of the label. Rather, the perforation is through the entire construction and is for separating the label and carrier into two labels with attached carriers. See Column 5, lines 40-45:

"A horizontal line of weakness, such as perforation 14a (FIG. 1) may optionally be provided on either or both first portions 16 and 17 intermediate the top edge 13a and the bottom edge 13b to allow ready separation of each of the first two portions 16 and 17 into top and bottom sections."

The examiner states, "... The construction includes a weakening line segment 50 outside of and extending from the first label to the second label. The line (50) does not extend through the liner, as line 63 is optional (column 6, line 10-14)". However, column 6, lines 10-14, states:

"A perforation or other line of weakness 63 may optionally be provided between the second sheet first portion 17 and the second sheet second portion 25 to allow ready detachment of the second sheet first portion 17 and the second sheet portion 25."

When the Examiner mentions "the first label" and "the second label" in the above statement, this refers to his previous statement, namely, "The facestock includes at least one cut line 57 therethrough but not the liner sheet to form an entire perimeter of a first label. Figure-1 shows a second label spaced from the first label." Based on his description, the first label is what is shown in Figure-1 as item 18, and the second label is a repeat of the first label, shown both below and above label 18, both of which are partially shown. If this understanding is correct, according to the figure, line 50 does not intersect or extend from either label, yet the examiner asserts that "line segment 50 outside of and extending from the first label to the second label". Further, in Figure 1 the facestock around the label has been removed. In short, Farrow has no feature designed to make it easier to remove the label from the liner, so the patent is not relevant to the presently claimed invention.

Regarding Atkinson, the examiner states, "the weakening line...spaced by a short section of uncut distance (the cut line being of perforations, the uncut portion of the perforation adjacent to the label is interpreted to be the short uncut section)". The drawing, however, illustrates the perf cut sections intersecting the label edge, and there is nothing to indicate an intentional uncut section. The Examiner then states "The line and second segments extends through the facestock to the liner sheet." However, Claim 3 of Atkinson states, ". . . said removable tab is formed by vertical and horizontal microperforations through said sheet . . .", which is confirmed by an examination of Figure-1 (face side) and Figure-2 (back of the sheet complete with die cuts and printed disk outlines).

The Examiner then states, regarding claim 67, "the liner sheet has no cut or weakening lines directly beneath the label." However Atkinson states, "Die cuts 19 are provided on back 16 to aid in removal of each label tab 1-6 from the sheet stock", directly contradicting the Examiner's statement. These cut lines are shown in Figure-2, and in the illustrations that are part of the printed directions shown in Figure-4. Atkinson would not function without a die cut underneath the label. Folding is not mentioned. It is a tear and remove action that exposes the adhesive. It is thus not relevant to the present invention.

Concluding Remarks

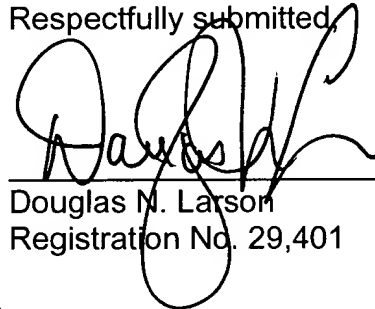
Accordingly, it is respectfully contended that all of the claims now pending are in condition for allowance. Issuance of the Notice of Allowance at an early date is thus in order.

If there are any remaining issues, the Examiner is encouraged to telephone the below-signed counsel for Applicants at (310) 785-5384 to seek to resolve them.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 10-0440. Should such additional fees be associated with an extension of time, Applicants respectfully request that this paper be considered a petition therefor.

Dated: July 10, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas N. Larson", is written over a horizontal line. The signature is stylized with large, flowing loops.

Douglas N. Larson
Registration No. 29,401

JEFFER, MANGELS, BUTLER & MARMARO LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067-4308
Telephone: (310) 203-8080
Facsimile : (310) 712-3371